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TRANSMITTAL FORM

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		Application Number	10/758,816
		Filing Date	January 16, 2004
		First Named Inventor	Michael W. Murphy
		Art Unit	1745
		Examiner Name	Dah-Wei D. Yuan
Total Number of Pages in This Submission		Attorney Docket Number	8540G-000233 (GP-303355)

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): return receipt postcard
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<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 07-0960. A duplicate copy of this sheet is enclosed.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name David A. McClaughry	Reg. No. 37,885
Signature			
Date	March 6, 2006		

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/758,816

Filing Date: January 16, 2004

Applicant: Michael W. Murphy et al.

Group Art Unit: 1745

Examiner: Dah-Wei D. Yuan

Title: ULTRA SHORT HIGH PRESSURE GRADIENT
FLOW PATH FLOW FIELD

Attorney Docket: 8540G-000233 (Client Ref. GP-303355)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Sir:

This paper is in response to the Office Action mailed February 6, 2006, concerning the above-caption application. The period for response to this Office Action extends until March 6, 2006.

In the Office Action, the Examiner required restriction under 35 U.S.C. 121 in the present application to one of the following inventions:

Group I – Claims 1-36 drawn to a fuel cell, in class 429/12; and

Group II – Claims 37-49 drawn to method of making a separator plate for a fuel cell, in class 429/34.

Applicants hereby elect with traverse Group I directed to a fuel cell. Applicants make this election without prejudice to filing one or more divisional applications directed to the non-elected group. Applicants will cancel the claims directed to the non-elected group when an indication of allowance of the elected group is received.

In the Office Action, the Examiner states the claims of Group I are directed to patentably distinct species of the claimed invention, namely:

I-1, Claims 1-9 drawn to a fuel cell comprising a first manifold, a plurality of spacers and a second manifold;

I-2, Claims 10-25 drawn to a fuel cell comprising a first separator sheet, a first set of spacers, a second separator sheet and a second set of spacers; and

I-3, Claims 26-36 drawn to a fuel cell comprising a membrane electrode assembly, a manifold and a planar flow field.

Applicants provisionally elect Species I-1 in response to this election requirement with traverse and acknowledge the Examiner's statement that Claims 1-9 are readable on Species I-1.

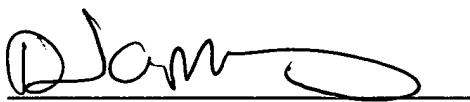
Notwithstanding the provisional election of Species I-1, Applicants submit that the three species identified by the Examiner are not directed to distinct inventions; rather they are different definitions of the same disclosed subject matter, varying in breadth and scope of definition. See, MPEP 806.03 and 808.01(a). It should be appreciated that the claims associated with each of the species by the Examiner read on the embodiments illustrated in FIGS 1-6B. As such, Applicants submit that Claims 1-36 are generic to the embodiments shown in FIGS 1-6B. Further, the disclosure of the present application clearly shows a relationship between the species as identified by the Examiner. Accordingly, Applicants request examination of Species I-1, Claims 1-9, and request reconsideration of the Examiner's election requirement as to Species I-2, Application No.: 10/758,816

Claims 10-25 and Species I-3, Claims 26-36. Upon allowance of a generic claim, Applicants note that they are entitled to consideration of claims directed to Species I-2 and Species I-3 which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. §1.141. Prompt and favorable examination of this application is requested.

Accordingly, it is believed that the outstanding Office Action has been fully complied with herein. If the Examiner has any questions or would like to personally discuss this application, she is invited to contact either of the undersigned attorneys at the telephone number listed below.

Respectfully submitted,

Dated: March 6, 2006

By: 
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